(1) a description of the efforts of the President to develop and update the strategy required under section 5006; and

(2) an after-action report following the conduct of the exercise described in section 5007.

SEC. 5010. RULE OF CONSTRUCTION.

Nothing in this division shall be construed to supersede the civilian emergency management authority of the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Post Katrina Emergency Management Reform Act (6 U.S.C. 701 et seq.).

SA 5809. Mr. PORTMAN (for himself and Ms. HASSAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1012. STIPENDS FOR TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.

(a) SHORT TITLE.—This section may be cited as the ''Transnational Criminal Investigative Unit Stipend Act''.

(b) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

''SEC. 890C. TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.

''(a) IN GENERAL.—The Secretary shall operate Transnational Criminal Investigative Units within United States Immigration and Customs Enforcement, Homeland Security Investigations.

''(b) COMPOSITION.—Each Transnational Criminal Investigative Unit shall be composed of trained foreign law enforcement officials who shall collaborate with Homeland Security Investigations to investigate and prosecute individuals involved in transnational criminal activity.

''(c) VETTING REQUIREMENT.—

''(1) IN GENERAL.—Upon entry into a Transnational Criminal Investigative Unit, and at periodic intervals while serving in such a unit, foreign law enforcement officials shall be required to pass certain security evaluations, which may include a background check, a polygraph examination, a urinalysis test, or other measures that the Director of U.S. Immigration and Customs Enforcement determines to be appropriate.

''(2) REPORT.—The Director of U.S. Immigration and Customs Enforcement shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes—

''(A) the procedures used for vetting Transnational Criminal Investigative Unit members; and

''(B) any additional measures that should be implemented to prevent personnel in vetted units from being compromised by criminal organizations.

''(d) MONETARY STIPEND.—The Director of U.S. Immigration and Customs Enforcement is authorized to pay vetted members of a Transnational Criminal Investigative Unit a monetary stipend in an amount associated with their duties dedicated to unit activities.

''(e) ANNUAL BRIEFING.—The Director of U.S. Immigration and Customs Enforcement, during the 5-year period beginning on the date of the enactment of this Act, shall provide an annual unclassified briefing to the congressional committees referred to in subsection (c)(2), which may include a classified session, if necessary, that identifies—

''(1) the number of vetted members of Transnational Criminal Investigative Unit in each country;

''(2) the amount paid in stipends to such members, disaggregated by country; and

''(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country.''.

(c) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 890B the following:

''Sec. 890C. Transnational Criminal Investigative Units.''.

SA 5810. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—SAFEGUARDING AMERICAN INNOVATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Safeguarding American Innovation Act''.

SEC. ___02. FEDERAL RESEARCH SECURITY COUNCIL.

(a) IN GENERAL.—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

''CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

''§ 7901. Definitions

''In this chapter:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Commerce, Science, and Transportation of the Senate;

''(C) the Select Committee on Intelligence of the Senate;

''(D) the Committee on Foreign Relations of the Senate;

''(E) the Committee on Armed Services of the Senate;

''(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(G) the Committee on Oversight and Reform of the House of Representatives;

''(H) the Committee on Homeland Security of the House of Representatives;

''(I) the Committee on Energy and Commerce of the House of Representatives;

''(J) the Permanent Select Committee on Intelligence of the House of Representatives;

''(K) the Committee on Foreign Affairs of the House of Representatives;

''(L) the Committee on Armed Services of the House of Representatives;

''(M) the Committee on Science, Space, and Technology of the House of Representatives; and

''(N) the Committee on Education and Labor of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Research Security Council established under section 7902(a).

''(3) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(4) FEDERAL RESEARCH SECURITY RISK.—The term 'Federal research security risk' means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using research and development funds awarded by Executive agencies.

''(5) INSIDER.—The term 'insider' means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

''(6) INSIDER THREAT.—The term 'insider threat' means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency's normal processes, including damaging the United States through espionage, sabotage, terrorism, unauthorized disclosure of national security information or nonpublic information, a destructive act (which may include physical harm to another in the workplace), or through the loss or degradation of departmental resources, capabilities, and functions.

''(7) RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'research and development' means all research activities, both basic and applied, and all development activities.

''(B) DEVELOPMENT.—The term 'development' means experimental development.

''(C) EXPERIMENTAL DEVELOPMENT.—The term 'experimental development' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

''(i) is directed toward the production of new products or processes or improving existing products or processes; and

''(ii) like research, will result in gaining additional knowledge.

''(D) RESEARCH.—The term 'research'—

''(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

''(ii) includes activities involving the training of individuals in research techniques if such activities—

''(I) utilize the same facilities as other research and development activities; and

''(II) are not included in the instruction function.

''(8) UNITED STATES RESEARCH COMMUNITY.—The term 'United States research community' means—

''(A) research and development centers of Executive agencies;

''(B) private research and development centers in the United States, including for profit and nonprofit research institutes;

''(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

''(E) government-owned, contractor-operated United States Government research and development centers; and

''(F) any person conducting federally funded research or receiving Federal research grant funding.

''§ 7902. Federal Research Security Council establishment and membership

''(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The following agencies shall be represented on the Council:

''(A) The Office of Management and Budget.

''(B) The Office of Science and Technology Policy.

''(C) The Department of Defense.

''(D) The Department of Homeland Security.

''(E) The Office of the Director of National Intelligence.

''(F) The Department of Justice.

''(G) The Department of Energy.

''(H) The Department of Commerce.

''(I) The Department of Health and Human Services.

''(J) The Department of State.

''(K) The Department of Transportation.

''(L) The National Aeronautics and Space Administration.

''(M) The National Science Foundation.

''(N) The Department of Education.

''(O) The Small Business Administration.

''(P) The Council of Inspectors General on Integrity and Efficiency.

''(Q) Other Executive agencies, as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

''(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

''(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall designate a senior level official from the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

''(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

''§ 7903. Functions and authorities

''(a) DEFINITIONS.—In this section:

''(1) IMPLEMENTING.—The term 'implementing' means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

''(2) UNIFORM APPLICATION PROCESS.—The term 'uniform application process' means a process employed by Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

''(b) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

''(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grants in accordance with subsection (c).

''(2) Developing and implementing policies and providing guidance to prevent malign foreign interference from unduly influencing the peer review process for federally funded research and development.

''(3) Identifying or developing criteria for sharing among Executive agencies and with law enforcement and other agencies, as appropriate, information regarding individuals who violate disclosure policies and other policies related to research security.

''(4) Identifying an appropriate Executive agency—

''(A) to accept and protect information submitted by Executive agencies and non-Federal entities based on the process established pursuant to paragraph (1); and

''(B) to facilitate the sharing of information received under subparagraph (A) to support, consistent with Federal law—

''(i) the oversight of federally funded research and development;

''(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

''(iii) counterintelligence investigations.

''(5) Identifying, as appropriate, Executive agencies to provide—

''(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

''(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

''(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

''(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (c)(1). Such programs shall include an assessment of—

''(A) a grantee's support from foreign sources and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories; and

''(B) the impact of such support and affiliations, appointments, or participation in talent programs on United States national security and economic interests.

''(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

''(9) Developing and implementing a cross-agency policy and providing guidance related to the use of digital persistent identifiers for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing administrative burden for researchers and research institutions.

''(10) Engaging with the United States research community in conjunction with the National Science and Technology Council and the National Academies Science, Technology and Security Roundtable created under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C. 6601 note) in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

''(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

''(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (b)(1), the Council shall—

''(1) ensure that the process—

''(A) requires principal investigators, co-principal investigators, and key personnel associated with the proposed Federal research or development grant project—

''(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and

''(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

''(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

''(2) design the process—

''(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

''(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

''(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

''(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

''(1) the information to be shared;

''(2) the circumstances under which sharing is mandated or voluntary;

''(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

''(4) the procedures for protecting intellectual capital that may be present in such information; and

''(5) appropriate privacy protections for persons involved in Federal research and development.

''(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (b)(6), the Council shall ensure that such guidance provides for, at a minimum—

''(1) such programs—

''(A) to deter, detect, and mitigate insider threats; and

''(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

''(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

''(A) monitoring user activity on computer networks controlled by Executive agencies;

''(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

''(C) gathering information for a centralized analysis, reporting, and response capability; and

''(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

''(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agency accesses, shares, and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors;

''(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

''(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

''(f) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

''(1) IN GENERAL.—The Council, in conjunction with the lead security advisor designated under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

''(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

''(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

''(i) to exploit, interfere, or undermine research and development by the United States research community; or

''(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

''(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

''(i) the science and technology of that foreign country; or

''(ii) federally funded research and development; and

''(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

''(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy that detail—

''(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

''(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

''(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

''(4) proposals for developing a unified Federal policy on suspensions and debarments; and

''(5) other current suspension and debarment related issues.

''(h) SAVINGS PROVISION.—Nothing in this section may be construed—

''(1) to alter or diminish the authority of any Federal agency; or

''(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

''§ 7904. Annual report

''Not later than November 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

''§ 7905. Requirements for Executive agencies

''(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

''(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

''(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b);

''(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States;

''(4) ensuring that initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council; and

''(5) ensuring that the initiatives of the Council comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

''(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

''(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

''(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

''(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following:

''79. Federal Research Security Council ..... 7901.''.

SEC. ___03. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Federal grant application fraud

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

''(2) FEDERAL GRANT.—The term 'Federal grant'—

''(A) means a grant awarded by a Federal agency;

''(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

''(C) does not include—

''(i) direct United States Government cash assistance to an individual;

''(ii) a subsidy;

''(iii) a loan;

''(iv) a loan guarantee; or

''(v) insurance.

''(3) FEDERAL GRANT APPLICATION.—The term 'Federal grant application' means an application for a Federal grant.

''(4) FOREIGN COMPENSATION.—The term 'foreign compensation' means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

''(A) a foreign government;

''(B) a foreign government institution; or

''(C) a foreign public enterprise.

''(5) FOREIGN GOVERNMENT.—The term 'foreign government' includes a person acting or purporting to act on behalf of—

''(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

''(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

''(6) FOREIGN GOVERNMENT INSTITUTION.—The term 'foreign government institution' means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

''(7) FOREIGN PUBLIC ENTERPRISE.—The term 'foreign public enterprise' means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

''(8) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency'—

''(A) means a Federal, State, local, or Tribal law enforcement agency; and

''(B) includes—

''(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

''(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

''(9) OUTSIDE COMPENSATION.—The term 'outside compensation' means any compensation, resource, or support (regardless of

monetary value) made available to the applicant in support of, or related to, any research endeavor, including a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including materials, travel compensation, or work incentives.

''(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

''(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual, the value of which is not less than $1,000;

''(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

''(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

''(A) contains a material false statement;

''(B) contains a material misrepresentation; or

''(C) fails to disclose a material fact.

''(c) EXCEPTION.—Subsection (b) does not apply to an activity—

''(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

''(A) a law enforcement agency; or

''(B) a Federal intelligence agency; or

''(2) authorized under chapter 224.

''(d) PENALTY.—Any individual who violates subsection (b)—

''(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both, in accordance with the level of severity of that individual's violation of subsection (b); and

''(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. Federal grant application fraud.''.

SEC. ___04. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) IN GENERAL.—The Secretary of State may impose the sanctions described in subsection (c) if the Secretary determines an alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government's security or strategic capabilities.

(b) RELEVANT FACTORS.—To determine whether to impose sanctions under subsection (a), the Secretary of State shall—

(1) take account of information and analyses relevant to implementing subsection (a) from the Office of the Director of National Intelligence, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(2) take account of the continual expert assessments of evolving sensitive or emerging technologies that foreign adversaries are targeting;

(3) take account of relevant information concerning the foreign person's employment or collaboration, to the extent known, with—

(A) foreign military and security related organizations that are adversarial to the United States;

(B) foreign institutions involved in the theft of United States research;

(C) entities involved in export control violations or the theft of intellectual property;

(D) a government that seeks to undermine the integrity and security of the United States research community; or

(E) other associations or collaborations that pose a national security threat based on intelligence assessments; and

(4) weigh the proportionality of risks and the factors listed in paragraphs (1) through (3).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—An alien described in subsection (a) may be—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—An alien described in subsection (a) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(B) IMMEDIATE EFFECT.—A revocation under clause (A) shall take effect immediately, and automatically cancel any other valid visa or entry documentation that is in the alien's possession, in accordance with section 221(i) of the Immigration and Nationality Act.

(3) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—The sanctions described in this subsection shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and semi-annually thereafter until the sunset date set forth in subsection (f), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant used to describe the alien in subsection (a);

(2) the number of individuals determined to be subject to sanctions under subsection (a), including the nationality of each such individual and the reasons for each sanctions determination; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants' country of citizenship and relevant consulate.

(e) CLASSIFICATION OF REPORT.—Each report required under subsection (d) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified annex.

(f) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

SA 5811. Mr. PORTMAN (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS.

(a) TECHNICAL AMENDMENT RELATING TO DOTGOV ACT OF 2020.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

(b) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting before the subtitle A heading the following:

''SEC. 2200. DEFINITIONS.

''Except as otherwise specifically provided, in this title:

''(1) AGENCY.—The term 'Agency' means the Cybersecurity and Infrastructure Security Agency.

''(2) AGENCY INFORMATION.—The term 'agency information' means information collected or maintained by or on behalf of an agency.

''(3) AGENCY INFORMATION SYSTEM.—The term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency.

''(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Homeland Security of the House of Representatives.

''(5) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' means information not customarily in the public domain and related to the security of critical infrastructure or protected systems—

''(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

''(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of